

DUMONT JOINT LAND USE BOARD MINUTES FOR MAY 28, 2013 MEETING

MINUTES

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SESSION: This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**May 28, 2013
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on May 28, 2013. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

ROLL CALL:

Thomas Trank	P	Michael Affrunti	P	Councilman Matthew Hayes	A
Michael Worner	P	Timothy Hickey	P	Elmer Pacia	P
William Goodman	P	Barbara Chen	P	Michael Cremin Alt # 1	P
Alfred Moriarty Alt # 2	P	Janet Masio Alt # 3	A	Mynor Frank Lopez Alt # 4	P
Chairman William Bochicchio	P				

Others: Board Attorney – Mark D. Madaio, Esq.: Marc Madaio- P
Board Engineer – Boswell Engineering: James Fordham- NA
Board Planner – Neglia Engineering: Dan Kaufman- NA
Board Clerk - Rosalia Bob- P

BUSINESS: Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he reviewed and signed off on these items in the Building Department.

BUSINESS: Approval of January, February, March and April 2013 Minutes

January Minutes

Motion to Accept: Thomas Trank

2nd by: Michael Worner

All in Favor

February Minutes

Motion to Accept: Michael Affrunti

2nd by: Michael Cremin

All in Favor

March Minutes

Motion to Accept: Michael Affrunti

2nd by: Frank Lopez

All in Favor

April Minutes

Motion to Accept: Michael Worner

2nd by: William Goodman

All in Favor

BUSINESS: Discussion of JLUB Application and Escrow Fee Schedule

Mark Madaio begins the discussion by stating that he had wanted the board members to review the Oradell fee schedule ordinance because they have a two tier system. He explains that one tier is for homeowner projects and the other tier is for commercial or development projects. He states that the commercial projects have a \$400 application fee and the homeowner projects have a \$200 application fee. He details that the board may consider redoing their fee schedule and recommend to the Governing Body to readjust the board's application and escrow fees. Chairman William Bochicchio states that this all came about from last summer when the board had no applications. He explains that he went to visit the Building Department and they stated that the fees are too high for small projects such as decks or small additions. Steve Cavadias states that all three professionals place charge for their services into the applicant's escrows and the bills can be costly. Michael Affrunti asked why a deck application would be reviewed by a planner. Mark Madaio states that if an applicant comes before the board to seek a variance then their application must be reviewed by the professionals. Elmer Pacia states that the ordinance they reviewed is from Oradell, a very affluent town and their fees for homeowners are a lot less. He also states that the board doesn't need both the engineer and planner reviewing simple applications. Chairman William Bochicchio states that the reports are always very similar between the engineer and planner. Mark Madaio states that the standard homeowner should not have to pay for a planner but for a D variance application you should get the perspective of a planner because of planning testimony presented. He explains that an engineer should be ok for small applications. Steve Cavadias states that another issue is that homeowners need help with the application process and don't want to consult an attorney. Mark Madaio explains that sometimes homeowner applications are difficult because they don't always submit everything that is needed. Elmer Pacia states that planners are engineers. Mark Madaio explains that not all architects and engineers can waive into being a planner. He states that really good planners are just strictly planners. Chairman William Bochicchio suggests that the planner only be used for D variance, major subdivision, commercial and site plan applications. Marc Madaio states that that would be a great idea. Steve Cavadias states

that this would help homeowners since there was a former application to which the homeowner paid more in professional fees than the cost of the applicant's fence. Mark Madaio states they should send all applications to engineer and only certain applications to the planner. Chairman William Bochicchio states that they still need to reconsider adjusted fees. Rosalia Bob explains that the board's professionals should also adjust their fees as well with minor applications because if an applicant exceeds their escrow it is very difficult to obtain more money from the applicant to replenish their account. Michael Affrunti suggests a \$200 application fee and \$1500 escrow fee for homeowner minor projects. Barbara Chen states that the professionals also are required to bill the escrow in a timely manner. Chairman William Bochicchio states that that was an old situation which was a problem but has been rectified. He further states that the board should send a letter to the Governing Body with a suggestion of the board's fees. Michael Affrunti asks if the board would consider raising the application fees for commercial projects.

The board agrees for commercial projects \$500 application fee and \$3000 escrow fee. The board agrees for homeowner projects \$200 application fee and \$1500 escrow fee.

All are in favor of the new fee schedule. Chairman William Bochicchio asks if a letter would be drafted to the Mayor and Council suggesting these changes.

- Chairman William Bochicchio states that he would like to announce to the board that Rosalia Bob will be leaving the building department and will be going over to the Borough of Oradell. Mark Madaio states that Rosalia is in an appointed position with the board and will be the board's clerk for the duration of the year and that the Chairman has requested him to research the legality of who appoints the board's clerk. Mark Madaio states that the Governing Body does not pick the board's professionals at all and that the board members directly pick their own professionals so it should be the board's discretion and decision to pick their clerk. Mark Madaio states that he will look into the legal statutes to protect the board in this matter. Chairman William Bochicchio states that he wants Rosalia Bob to continue being the board's clerk and has no intention of changing this.

BUSINESS: Discussion of JLUB Public Procedure Instruction Notice

Chairman William Bochicchio begins this discussion by expressing how much he liked the board's new procedure notice. He states that it is clear, concise and very well written. He explains that he wants the clerk's name added to the document and for it to be posted on the Borough's website. Chairman William Bochicchio calls for a motion and all board members are in favor.

BUSINESS: Discussion of JLUB Board Member Procedure Instruction Notice

Chairman William Bochicchio begins by stating that the attorney's memo to the board is a must read for all members. Mark Madaio states that this is a document which outlines the duties and responsibilities of board members. He states that the memo explains the

variance types, procedures, negative and positive criteria, bulk variance, benefits to zoning, inherently beneficial uses, testimony, uses, site plan, etc. He states that he gives this memo out at the beginning of every year to all the members. Thomas Trank expresses that the memo is very concise and a lot of research went into this. Mark Madaio states that the memo is a compilation of several briefs written for court.

BUSINESS: Discussion of JLUB Application Site Inspection Authorization Notice

Mark Madaio states that Rosalia Bob had created a new site inspection document to give to applicants in order for the applicants to allow board members to view the proposed sites. Chairman William Bochicchio states that this will clear up any issues that may arise with conducting site visits.

- Chairman William Bochicchio begins the last discussion by asking what the town's COAH status is. He states that he will contact the Borough Administrator to find out what round the town is in and additionally the COAH website should be checked. He asks if a letter can get drafted to the Governing Body requesting that the board be informed of the town's COAH status.

Motion to Adjourn: Michael Affrunti
2nd by: William Goodman

Minutes respectfully submitted by
Rosalia Bob
Board Clerk